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BY:

U. Kligerman

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:
Alan E. Kligerman et al.

Conf. No.: 1619

: Group Art Unit: 1617

Appln. No.: 10/051,853

: Examiner: Shengjun Wang

Filing Date: January 17, 2002

: Attorney Docket No.: 7706-232U1

Title: METHOD OF ALLEVIATING SYNDROMES AND CONDITIONS OF
DISCOMFORT OF THE MAMMALIAN INTESTINAL AND GENITO-
URINARY TRACTS

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated July 15, 2003 (paper no. 8).

The Examiner has required restriction between claims 1-31 directed to a method of treating mammalian intestinal or genito-urinary tract disorders, allegedly classified in class 514, subclass 103 (group I) and claims 32-25 directed to a method for repairing, assisting or supporting an aerobic energy transfer mechanism in a mammal, also allegedly classified in class 514, subclass 103. The Examiner contends that the inventions are unrelated because they have different functions and effects. The Examiner also argues that the inventions have acquired a separate status in the art because of their recognized divergent subject matter.

While not necessarily agreeing with the Examiner's characterization of the inventions as being unrelated and having different functions and effects, Applicants respectfully traverse the Restriction Requirement because the Examiner has indicated that the two groups of claims are

classified in the same class and subclass. Therefore, it is submitted that there is no undue burden on the Examiner in examining both groups of claims together. Accordingly, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Provisional Election

In the event that the Examiner maintains the Restriction Requirement, Applicants provisionally elect group I (claims 1-31) for examination in this application. The election is without traverse for the reasons stated above, but without prejudice to the filing of a divisional application directed to the non-elected claims.

An early examination of the elected invention is respectfully requested.

Respectfully submitted,

ALAN E. KLIGERMAN et al.

August 4, 2003
(Date)

By:

William W. Schwarze
WILLIAM W. SCHWARZE

Registration No. 25,918

AKIN GUMP STRAUSS HAUER & FELD LLP

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

Direct Dial: 215-965-1270

Facsimile: 215-965-1210

E-Mail: wschwarze@akingump.com

WWS:msb